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09/036,236	03/06/98	OLIVER	D 005-905-300
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EXAMINER

THOMPSON JR, F

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

06/03/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/036,236

Applicant(s)

Oliver et al.

Examiner

Forest Thompson Jr.

Group Art Unit

2765



☒ Responsive to communication(s) filed on Mar 6, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-34 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 6, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2765

DETAILED ACTION

1. Claims 1-34 have been examined.
2. The following non-patent literature references appear listed in the specification:
 - p. 39, line 2, applicants state and reference "IETF Digest Authentication" draft;
 - p. 39, line 8, applicants state and reference "IETF proposal from Bellcore;"
 - p. 39, lines 14-15, applicants state and reference Internet draft "A proposed Extension to HTTP: Digest Access Authentication."

The text accompanying the references provides a short description which indicates that the listed references are very relevant to the instant invention and claims, and thus the applicants should provide the office with copies of the references or that portion which describes the service in sufficient detail so that it may be evaluated further for relevance.

Applicants are **reminded** of their duty to disclose all information material to the patentability of the application. *See* 37 CFR 1.56.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed because of the reasons set forth on the PTO-948 Form enclosed.

Art Unit: 2765

The drawings (figures 1 and 2) are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include numerous reference signs not mentioned in the description. These reference signs (e.g.; figure 1 - "4. Returned Content & Token") are on the drawings noted, but **are not** included in the description of the identified drawings in the specification. Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defects can be deferred until the application is allowed by the examiner.

Specification

4. The abstract is too long. See 37 CFR 1.72. The language and content of the abstract should conform to the requirements stated in the Manual of Patent Examining Procedure, section 608.01(b), Language and Format:

The abstract should be in narrative form and generally limited to a single paragraph within the range of 50 to 250 words. The abstract should not exceed 25 lines of text. Abstracts exceeding 25 lines of text should be checked to see that it does not exceed 250 words in length since the space provided for the abstract on the computer tape by the printer is limited. If the abstract cannot be placed on the computer tape because of its excessive length, the application will be returned to the examiner for preparation of a shorter abstract. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should sufficiently describe the disclosure to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "This disclosure concerns," "The disclosure defined by this invention," "This disclosure describes," etc.

Art Unit: 2765

The abstract of the disclosure is objected to because it exceeds 250 words in length.
Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 U.S.C. § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-10, 12-16, 22, and 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-7, and 12-13 are directed to a system and state desired results, but fail to provide information on the specific structure included to achieve them. A specific structure must be recited for every function of apparatus claims to uniquely define them. Additionally:

Claim 2 recites the limitations "the owner of goods" and "the owner." There is insufficient antecedent basis for these limitations in the claim.

Regarding claims 5 and 22, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 8-10 depend on claim 7. Claims 7 is rejected under 35 U.S.C. 112 as stated above. Thus, claims 8-10 are rejected because by their dependence they incorporate the language of a rejected base claim.

Art Unit: 2765

Claims 14 and 31 recite the limitation "the token" and "the authentication server." There is insufficient antecedent basis for these limitations in the claim.

Claims 15 and 32 recite the limitation "the end user's account manager" and "the end user's account." There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 16 and 33, the phrase "any other purpose " renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. Also, claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Claim 34 recites "a method for obtaining, transferring and maintaining ..." but fails to set forth any steps on how to achieve these functions.

Claim Rejections - 35 U.S.C. § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

Art Unit: 2765

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1, 3-7, 11-18, 20-24, and 28-34 are rejected under 35 U.S.C. 103(a) as being

*un*unpatentable over **Teper et al.** (Patent No. 5,815,665), *in view of Reeder*

As per claim 1, **Teper et al.** teach:

- a mechanism for sharing client information and charges among a plurality of service providers (col. 6 lines 21-34; col. 8 lines 63-67; col. 9 lines 1-8);
- a client who is registered with one of the service providers and is allowed to access the resources of the other service providers (col. 5 lines 30-37 and 45-48; col. 6 lines 1-33);
- a settling means adapted to allow the system to settle accounts among service providers (col. 6 lines 4-13, 22-34 and 46-49);
- a sharing means adapted to allow the system to allow the providers to share users without requiring an open account for each user at each provider (col. 6 lines 38-67);
- a verification means adapted to allow each provider to determine if a particular client is a member of the system, verify that the client has authenticated at his home provider, and

Art Unit: 2765

determine this client's access or service privileges and criteria (col. 5 lines 30-37 and 45-48; col. 6 lines 53-61).

As per claim 1, **Teper et al.** does not teach, explicitly, a payment means adapted to assure that the outside providers are then paid for that access through the system. However, **Teper et al.** teaches payment for these services by the user is to the Online Broker, who settles accounts billed by the Service Providers to authorized users (Col. 2 lines 32-38 and 62-65; col. 3 lines 19-41; col. 4 lines 22-27; col. 6 lines 4-13, 22-34 and 37-49). Also, **Teper et al.** (col. 15 lines 11-15) incorporates by reference **Reeder**, U.S. Patent No. 5,852,812, "Billing System For A Network" which teaches a payment means that relies on a centralized Online Broker site to handle billing matters for online services purchased by users from Service Providers. Payment for these services by the user is to the Online Broker, who pays Service providers for services billed by the Service Providers to users (**Reeder**, col. 6 lines 9-18). Therefore, it would have been obvious to one skilled in the computer and electronic commerce art at the time the invention was made to use the teachings of **Teper et al.** and **Reeder** to incorporate the payment function at an Online Broker to receive payment from the user for the services provided, and to pay the individual Service Providers accessed and used by the user (for their services during an online session) from the combined payment that the Online Broker receives from the user, because of the obvious advantages of time, expense and convenience of the user submitting payment information only once during an online session, the Online Broker processing only one payment (e.g., a credit card payment) from the user for the services received by the user during one online

Art Unit: 2765

session from all Services Providers and the Online Broker, and the Service Providers not being required to maintain complete user data files for access authorization and billing information for each user.

As per claim 3, **Teper et al.** teach one member of the system may instantaneously configure the form and substance of services or goods across a data network provided to different or unique clients in response to data about the client provided by the system along with the client's request for service (col. 3 lines 65-67; col. 4 lines 1-6).

As per claim 4, **Teper et al.** teach one member of the system may instantaneously determine whether or what type or form of service or goods across a data network to provide to different or unique clients of the system based upon data about the client provided along with the client's request for service (col. 3 lines 65-67; col. 4 lines 1-6).

As per claim 5, **Teper et al.** teach multiple members of the system may aggregate, transfer and share data about the clients of the system (col. 8, lines 63-67; col. 9 lines 1-15).

As per claim 6, **Teper et al.** teach a client of the system may request access to, review of, or purchase of resources or goods across a data network of members of the system on the basis of specific attributes of the client (fig. 2; col. 9 lines 9-15).

As per claim 7, **Teper et al.** does not teach explicitly a provider of service under the system provides a client's preference, pricing and service-class information to a common service point in exchange for an authenticatable token, which the service provider then provides to its client (fig. 4; col. 15 lines 21-51 and 57-61; col. 17 lines 64-67; col. 18 lines 1-17). However,

Art Unit: 2765

Teper et al. does teach a provider of service under the system provides a client's preference, pricing and service-class information to a common service point in exchange for an authenticatable token, which the service provider then maintains for its client (fig. 4; col. 15 lines 21-51 and 57-61; col. 17 lines 64-67; col. 18 lines 1-17). In this configuration, the user connects to other service providers through its "home" service provider which passes the token to other service providers as the user accesses them through the auspices of its "home" service provider which maintains the user's token(s). This configuration is similar to that stated in the claim, with the principal difference being a "home" service provider (rather than the user directly) maintaining the user's token, and then connecting and transferring the token to selected service provider when the user attempts to connect to this selected service provider through his "home" service provider. The functionality of the connection for purposes of accessing service providers is the same. Therefore, it would have been obvious to one of ordinary skill in the computer and electronic commerce art at the time of the invention that the use of a token could simplify the connectivity process and provide some protection for the user's data provided to the user's "home" service provider by the user, because only selected components of the user's data (e.g., name, address, or other data) need to be transmitted, while selected components of the data (e.g., user's credit card ID) need never be transmitted over unsecured communications paths.

Art Unit: 2765

As per claim 11, **Teper et al.** teach collecting and storing at a common service point discrete records of access by clients to resources and goods across a data network of multiple members of the service (col. 3 lines 31-41);

As per claim 12, **Teper et al.** teach discrete records are instantaneously sorted and stored in databases according to the identity of the service provider of the individual client whose activity resulted in the record being produced (col. 3 lines 41-44).

As per claim 13, **Teper et al.** teach collecting and aggregating records of financial charges for access to, review or acquisition of services or goods across a data network (col. 3 lines 41-44);

As per claim 14, **Teper et al.** teach the token is only “read” by the authentication server (Fig. 6; col. 3 lines 19-25; col. 15 lines 57-61; col. 16 lines 19-24).

As per claim 15, **Teper et al.** teach enabling an initiating Internet World Wide Web host to present in HyperText Markup Language (HTML) “hypertext links” which address services or goods available from multiple other receiving World Wide Web sites (fig. 4; col. 16 lines 48-59).

As per claim 16, **Teper et al.** teach a sequence means adapted for obtaining, transferring and maintaining among multiple network clients a unique alphanumeric sequence associated with a specific digital information resource or object (col. 3 lines 31-44).

As per claim 17, **Teper et al.** teach a sequence means adapted for obtaining, transferring and maintaining among multiple network clients and their server a dynamically updated record of

Art Unit: 2765

funds encumbered by a network user for the purchase of a digital information resource or resources (col. 3 lines 35-41).

Claim 18 is written as a method and contains essentially the same limitations as claim 1; therefore, the same rejection is applied.

Claim 20 is written as a method and contains essentially the same limitations as claim 3; therefore, the same rejection is applied.

Claim 21 is written as a method and contains essentially the same limitations as claim 4; therefore, the same rejection is applied.

Claim 22 is written as a method and contains essentially the same limitations as claim 5; therefore, the same rejection is applied.

Claim 23 is written as a method and contains essentially the same limitations as claim 6; therefore, the same rejection is applied.

Claim 24 is written as a method and contains essentially the same limitations as claim 7; therefore, the same rejection is applied.

Claim 28 is written as a method and contains essentially the same limitations as claim 11; therefore, the same rejection is applied.

Claim 29 is written as a method and contains essentially the same limitations as claim 12; therefore, the same rejection is applied.

Claim 30 is written as a method and contains essentially the same limitations as claim 13; therefore, the same rejection is applied.

Art Unit: 2765

Claim 31 is a duplicate of claim 14 and contains the same limitations as claim 14; therefore, the same rejection is applied.

Claim 32 is written as a method and contains essentially the same limitations as claim 15; therefore, the same rejection is applied.

Claim 33 is written as a method and contains essentially the same limitations as claim 16; therefore, the same rejection is applied.

Claim 34 is written as a method and contains essentially the same limitations as claim 17; therefore, the same rejection is applied.

11. Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Teper et al.** (Patent No. 5,815,665) as applied to claim 1 above, and further in view of **Reeder** (Patent No. 5,852,812) and **Reuhl et al.** (Patent No. 5,873,069).

As per claim 2, **Teper et al.** does not explicitly teach the owner of goods may sell access to those goods across a data network such that the owner may instantaneously and simultaneously display across the network multiple differing prices of the same good or classes of goods depending upon the alternative pricing requirements of other clients of the system as transferred by the system (col. 4 lines 43-46; col. 5 lines 49-55; col. 6 lines 21-34; col. 8 lines 63-66). However, **Reeder** teaches

-a series of customers are linked through a gateway to a host data center (fig. 2 [12a, 12b, 12c, 14]; col. 5 lines 6-7);

Art Unit: 2765

- the host data center communicates with several outside services (col. 5 lines 11-12);
- the host data center also communicates with a billing services center which can provide invoices (col. 5 lines 26-27);
- the host data center can also communicate with remote data centers so that events that occur on the remote data centers can be communicated to the host data center for processing (col. 5 lines 44-47);
- content providers can provide services to customers attached to the host data center (col. 6 lines 5-7);
- content providers charge an additional fee for access to their services (col. 6 lines 9-10);
- the owner of the host data center collects money from the customers for the services provided by the content provider, and the owner of the host data center pays royalties to the content provider (col. 6 lines 9-19).

Since **Reeder** is incorporated by reference into **Teper et al.**, it would have been obvious to one skilled in the computer and commerce art at the time the invention was made to use the teachings of **Teper et al.** and **Reeder** to incorporate the capability that the owner of goods may sell access to those goods across a data network, because a data network provides access to a very large potential customer base for the purchasing of the owner's goods. **Reeder** and **Teper et al.** do not teach the owner may instantaneously and simultaneously display across the network multiple differing prices of the same good or classes of goods depending upon the alternative pricing requirements of other clients of the system as transferred by the system.

Art Unit: 2765

However, **Reuhl et al.** teaches an ability to automatically implement prices responses to market changes, on a product-by-product, market-by-market basis, and the system is suitably an enterprise -wide system and price changes are directed on a market-by-market basis (col. 6 lines 18-44). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time of applicant's invention to modify the teachings of **Teper et al.** and **Reeder** with the teachings of **Reuhl et al.** to include the capability to sell access to goods across a data network such that the owner may instantaneously and simultaneously display across the network multiple differing prices of the same good or classes of goods depending upon the alternative pricing requirements of other clients of the system as transferred by the system, e.g., geographic locations of the users, because market competition in specific market areas or the additional expenses of advertising, presentation, shipping, and handling costs may effect the costs to the owner of goods.

Claim 19 is written as a method and contains essentially the same limitations as claim 2; therefore, the same rejection is applied.

12. Claims 8-10 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Teper et al.** (Patent No. 5,815,665) ^{in view of Reeder} as applied to claim 1 above, and further in view of **Payne et al.** (Patent No. 5,715,314) and **Willens et al.** (Patent No. 5,889,958).

Art Unit: 2765

As per claim 8, **Teper et al.** teach [system] which employs the Internet's Hyper-Text Transfer Protocol (HTTP) (col. 11 lines 34-45). **Teper et al.** does not teach [system] has appending means adapted to appending to or including in a Uniform Resources Locator, or in a Request/Response Header, a sequence of alphanumeric characters which includes said authenticatable token. However, **Payne et al.** teach [system] which employs the Internet's Hyper-Text Transfer Protocol (HTTP), and has appending means adapted to appending to or including in a Uniform Resources Locator, or in a Request/Response Header, a sequence of alphanumeric characters which includes said authenticatable token (col. 3 lines 19-22; col. 5 lines 26-46). Therefore, it would have been obvious to one of ordinary skill in the computer and electronic commerce art at the time of the invention to combine the teachings of **Teper et al.** and **Payne et al.** to teach a system which employs the Internet's Hyper-Text Transfer Protocol (HTTP), and has appending means adapted to appending to or including in a Uniform Resources Locator (URL), or in a Request/Response Header, a sequence of alphanumeric characters which includes said authenticatable token, because this provides security to the user information while providing the user the capability to make purchases from service providers over secure and unsecured communications links.

As per claim 9, **Teper et al.** teach an acceptance means by which a client's token is accepted by a system member from whom to receive services or goods across a data network, and is instantaneously submitted to the system's common service point (fig. 5 [80, 82, 84]; col. 15 lines 57-61; col. 16 lines 6-8 and 19-22;).

Art Unit: 2765

As per claim 10, **Teper et al.** does not teach utilizing the User Datagram Protocol. However, **Willens et al.** teach utilizing the User Datagram Protocol in conjunction with an access control system and process and firewall filtering of a server (col. 6 lines 10-20). Official Notice is taken that the User Datagram Protocol is known in the computer art. Therefore, it would have been obvious to one skilled in the computer and medical art to combine the teachings of **Teper et al.**, **Willens** and known computer and electronic shopping art to incorporate the capability for implementing an acceptance means incorporating the User Datagram Protocol, because of the obvious advantages of very small data packet size requirements in an environment where data packet size affects the reliability and protocol requirements of the system.

Claim 25 is written as a method and contains essentially the same limitations as claim 8; therefore, the same rejection is applied.

Claim 26 is written as a method and contains essentially the same limitations as claim 9; therefore, the same rejection is applied.

Claim 27 is written as a method and contains essentially the same limitations as claim 10; therefore, the same rejection is applied.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes:

Art Unit: 2765

-Peters et al., Patent No. 5,884,284, teach an integrated computerized system and method of telecommunication user account management;

-Schwob, Patent No. 5,881,234, teaches a unified method of login to other independent ISPs to provide easy and inexpensive access to the Internet and its various services;

-Ronen, Patent No. 5,845,267, teaches a system and method for performing centralized billing for transactions conducted by a user on a terminal connected on an Internet with an Internet Service provider connected to the Internet;

-Ferguson et al., Patent No. 5,819,092, teach a visual editing system for creating commercial online computer services;

-Egendorf, U.S. Patent No. 5,794,221, teach an Internet billing system comprising establishing an agreement between an Internet access provider and a customer;

-Klingman, Patent No. 5,729,594, teaches a remote communication system for facilitating secure electronic purchases of goods on-line; and

-Reisman, Patent No. 5,694,546, teaches a novel electronic transport component that can be incorporated into a wide range of electronic information products to automate the mass distribution of updates.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson whose telephone number is (703) 306-5449. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:00 PM.


Art Unit: 2765

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

May 28, 1999 /FOT


ROBERT A. WEINHARDT
PRIMARY EXAMINER